

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman  
Robert C. Haas, Police Chief  
Gerard Mahoney, Assistant Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director  
Corey Pilz

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AT: Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139

DATE: Tuesday, January 22, 2013

TIME: 6:07 p.m.

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P R O C E E D I N G S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off.

Fire exits are front and rear. We need to keep the rear door open at all times, please.

This is the License Commission general hearing, Tuesday, January 22, 2013 at 6:07 p.m.

We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave, basement conference room.

Before you are the Commissioners:  
Chairman Michael Gardner, Police Commissioner Robert Haas and Assistant Fire Chief Gerard Mahoney.

APPLICATION: CHURCH STREET CREOLE CAFÉ, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter is application of Church Street

Creole Café, Incorporated, doing business as Border Café, Richard Lowe, manager, holder of an all alcoholic beverages as a restaurant license at 33 Church Street has applied for a change of manager to William Shecter.

COMMISSIONER MICHAEL GARDNER: Please come forward. We'd ask you to state and spell your last name for the record and also identify your affiliations.

MR. SHECTER: It's Schecter, S-H-E-C-T-E-R. I'm the general manager of the Border Café.

COMMISSIONER MICHAEL GARDNER: Tell us a little about your experience, sir.

MR. SHECTER: I have been in the restaurant industry for about 25 years. I have been with Border Café for the last ten years in a general manager capacity at all our restaurants up here in Massachusetts.

CHAIRMAN MICHAEL GARDNER: Most recent assignment?

MR. SHECTER: Cambridge.

COMMISSIONER MICHAEL GARDNER: Prior to Cambridge?

MR. SHECTER: Burlington.

COMMISSIONER MICHAEL GARDNER: And how long have you been de facto functioning as the manager of record here, if you have?

MR. SHECTER: For the last year.

COMMISSIONER MICHAEL GARDNER: Any reason you haven't come before us before now?

MR. SHECTER: Dick Lowe was on the license last year at this time when I came on. And it hadn't -- we haven't had a change until now we put it through.

COMMISSIONER MICHAEL GARDNER: I'd just ask you, Ms. Lint, if there are either guidelines or rules that we promulgate and provide to the

license holders to encourage them to have a more timely application for change, or if we have any guidelines or information for them at all?

EXECUTIVE DIRECTOR ELIZABETH LINT: Our rules and regulations state that the manager of record on the license must actually be the manager of record. So that they are then required to come in and apply as soon as reasonably possible within the time that the prior manager leaves.

A year is certainly not appropriate.

COMMISSIONER MICHAEL GARDNER: Is this a problem that we face from time to time? I'm not sure I recall one where an applicant, particularly one that's essentially not mom and pop, but, you know, sort've corporate, had been at all this late.

And it's -- we understand a matter of sort've getting the paperwork regularized and

together, but in case you were a brand-new manager, and you had never done this before, you know, we would have a lot of questions. We appreciate your coming in. I think we'd ask you to take back to whomever --

MR. SHECTER: Yes, I agree.

COMMISSIONER MICHAEL GARDNER: -- the expectation that if there's a proposed change of manager of record, we should know about it preferably in advance, if not that, you know, within a short number of business days.

MR. SHECTER: Understood.

COMMISSIONER MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: So, these last ten years you've served with Border Café, have you been the manager of record in these other establishments?

MR. SHECTER: In Burlington, I was.

POLICE COMMISSIONER ROBERT HAAS: You

held -- the liquor license was in your name?

MR. SHECTER: Yes.

POLICE COMMISSIONER ROBERT HAAS: How long were you in Burlington?

MR. SHECTER: 2007 until about 2011.

POLICE COMMISSIONER ROBERT HAAS: Okay. No other questions.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have none.

COMMISSIONER MICHAEL GARDNER: Do you want to just give us a brief summary of sort've what the challenges, if any, you faced in this particular location?

MR. SHECTER: In terms of?

COMMISSIONER MICHAEL GARDNER: Of managing a liquor license.

MR. SHECTER: You know, we're in the middle of a university still, and we're very strict with what we will accept. So, you know,

we'll only accept passports. Very diligent on that. We don't take what some other places may accept. We're very forthright in that we're a restaurant and family restaurant and understand a lot of things that Harvard University requires as well. So, we have been something that -- I've been with this -- in this location off and on at times for ten years and understand the responsibilities and the challenges that are there.

We're very respectful of the liquor license and don't take any chances with it.

COMMISSIONER MICHAEL GARDNER: Any disciplinary history in particular, anything recently?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all.

COMMISSIONER MICHAEL GARDNER: We once had someone tell us that it was virtually

impossible for them to serve anybody under age because their system was so strong. I'm wondering if you have any thoughts about that?

MR. SHECTER: You know, it's always a concern. I don't think it's virtually impossible, but it's definitely the training. We have ongoing trainings to make sure that everyone is educated on our staff, as well managers, as well as our hourlies.

And, again, you know, very diligent about it. We have officers every weekend that are at our front door. We take every precaution that we can.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: Have you received 21 Proof training?

MR. SHECTER: I personally haven't done 21 Proof, but we do have that lined up for our

course load for people that are coming on and for myself as well as. I know it's more of a Cambridge based, but we're gonna get that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have a background check as of yet, so we need that.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Anything else you would like to add, sir?

MR. SHECTER: No.

COMMISSIONER MICHAEL GARDNER: So it would be appropriate, Ms. Lint, to make a motion here contingent on the completion of the background?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Uh-huh.

COMMISSIONER MICHAEL GARDNER: So, I'll make the motion that we approve the change to the

manager of record to Mr. Shecter, contingent upon the completion of a satisfactory background check.

POLICE COMMISSIONER ROBERT HAAS: And 21 Proof training.

COMMISSIONER MICHAEL GARDNER: And the requirements of 21 Proof training.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

Thank you very much for coming in. We appreciate it, and continued good luck with the operation.

MR. SHECTER: Thank you.

**APPLICATION: J.H. RESTAURANT CAMBRIDGE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: J.H. Restaurant Cambridge, LLC,  
doing business as John Harvard's Brew House,  
Michael McBride, manager, holder of an all  
alcoholic beverages as a restaurant license at  
33 Dunster Street has applied for a change of  
manager to Ashley Slider.

COMMISSIONER MICHAEL GARDNER: Good  
evening. Again, I would ask you to please state  
and spell your last name for the record and  
identify your affiliation.

ASHLEY SLIDER: It's Slider, S-L-I-D-E-R.

COMMISSIONER MICHAEL GARDNER: And so,  
you are the applicant for manager?

ASHLEY SLIDER: I am.

COMMISSIONER MICHAEL GARDNER: Just tell  
us a little about your background.

ASHLEY SLIDER: I have been in the restaurant industry for about seven years. I have been managing for two years, only for John Harvard's Brew House. I have not managed at any other restaurant.

COMMISSIONER MICHAEL GARDNER: Have you been manager of record anywhere?

ASHLEY SLIDER: I have not.

COMMISSIONER MICHAEL GARDNER: And so, what's been your manager experience at the Brew House before then?

ASHLEY SLIDER: I'm sorry?

COMMISSIONER MICHAEL GARDNER: Just describe what your responsibilities as a manager have been in the last two years.

ASHLEY SLIDER: Okay. I do scheduling, payroll. I do staff training. AP. I do basically all of the in-house bills, ordering.

COMMISSIONER MICHAEL GARDNER: So it

sounds like your experience on the floor is relatively limited?

ASHLEY SLIDER: No. I'm a front-of-house manager. I'm on the floor during shifts. I talk with tables. I train staff. Yeah, I'm on the floor a lot. I'm on the floor.

POLICE COMMISSIONER ROBERT HAAS: What is AP?

ASHLEY SLIDER: Accounts payable.

POLICE COMMISSIONER ROBERT HAAS: Oh, okay.

COMMISSIONER MICHAEL GARDNER: I was gonna ask that question, but I knew better than to do so.

And are you functioning de facto as the manager of record now, or was the person who was there, Michael McBride, left or --

ASHLEY SLIDER: Michael McBride is gone. He left at the end of November. I have been the

GM since the beginning of December.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How long have you worked at 33 Dunster Street?

ASHLEY SLIDER: Three years, almost three years.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So, you've always been at the Harvard Square location?

ASHLEY SLIDER: Yes, I have.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Okay.

COMMISSIONER MICHAEL GARDNER: So how familiar are you with the controversy that we had with this establishment in 2011?

ASHLEY SLIDER: Um --

COMMISSIONER MICHAEL GARDNER: The Brew House was here a number of occasions based on complaints about underage service.

ASHLEY SLIDER: Yes. I'm familiar with

that a little bit.

I wasn't here for any of the hearings for any of that, but I do know what happened.

COMMISSIONER MICHAEL GARDNER: What are the lessons, if any, you take from that experience?

ASHLEY SLIDER: Well, we're very, very strict with IDing people and we always have been.

Everyone recently just went through -- well, I guess about eight months ago, we did a 21 Proof training class for everybody in-house. So everybody that's been there since then is 21 Proof.

The newer people we're going to schedule a new one for everyone that's not been there long enough for it.

We talk about IDing and responsible alcohol service in, you know, shift meetings. It's something that everybody is familiar with,

the types of IDs we accept and the types -- you know, the kinds that we don't.

COMMISSIONER MICHAEL GARDNER: Do you want to just very briefly give us something of that policy?

ASHLEY SLIDER: Sure. We accept passports, Massachusetts liquor IDs, driver's licenses. We do not accept just state ID cards. We don't accept anything out of country, you're required to have a passport. And we accept military IDs.

POLICE COMMISSIONER ROBERT HAAS: So when you say Massachusetts, you mean the driver's licenses only?

ASHLEY SLIDER: Driver's license or liquor ID card, not just a regular ID.

POLICE COMMISSIONER ROBERT HAAS: The RMV only issues two kinds of cards, a driver's license and identification card.

ASHLEY SLIDER: There's a liquor ID card. I've seen it -- yeah, there's also a liquor ID card, yeah.

POLICE COMMISSIONER ROBERT HAAS: Okay.

COMMISSIONER MICHAEL GARDNER: Any particular thoughts about the challenges in this location, if any?

ASHLEY SLIDER: Yes. It's like a lot of students that go to the local colleges are from out of the country, and several of them are uncomfortable going or travelling or going to -- going out with their passports, so some people will bring their IDs from different countries, and that's something that we don't accept. So, sometimes -- I mean, that's a challenge, but we're very strict about the IDs that we take.

COMMISSIONER MICHAEL GARDNER: In the time that you have been the de facto manager of record, what, if anything, has surprised you

about the responsibility, and what do you see as the biggest challenges of your moving into that level?

ASHLEY SLIDER: Through my experience with the last general manager that we had, I did basically everything that I'm doing now. So, I've learned -- the challenges are just, I suppose, just more responsibilities, as far as knowing that everything's on me if anything goes wrong. So I'm just working really hard with the staff and making sure that they know my expectations, and, you know, they're following rules about alcohol and food allergies, and making sure that training is up to date, and just things like that.

COMMISSIONER MICHAEL GARDNER: What percentage of the time that the establishment is open for business would you estimate you are there during a particular week?

ASHLEY SLIDER: I'm there six days a week for probably ten to 12 hours a day.

COMMISSIONER MICHAEL GARDNER: Who handles the responsibilities when you're not there?

ASHLEY SLIDER: The assistant general manager.

POLICE COMMISSIONER ROBERT HAAS: So, in the last short period of time when the Chair referenced problems we had a little awhile ago with supposedly underage drinking, why such a sudden change around manager? What is going on as far as the frequency in which the manager is changing?

ASHLEY SLIDER: The last manager that we had, he just left.

POLICE COMMISSIONER ROBERT HAAS: He just left.

ASHLEY SLIDER: Yeah, just out of

nowhere. I'm not sure if he got offered another job. It was just kind've one day he was there and the next day he left. I'm not really sure what was going on with him.

But I've been there through the last two GMs and I don't plan ongoing anywhere. I think that with the business we have, it's high stress. We're a large restaurant. Lots of responsibility. Lots of different things and situations that you have to deal with, and I think you have to have a certain type of personality just to be in that restaurant, in particular.

COMMISSIONER MICHAEL GARDNER: Any other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none, anything else you would like to add?

ASHLEY SLIDER: No thank you.

COMMISSIONER MICHAEL GARDNER: You've had the 21 Proof training yourself?

ASHLEY SLIDER: Yes, I have. I've also got TIPS training.

COMMISSIONER MICHAEL GARDNER:  
Background?

EXECUTIVE DIRECTOR ELIZABETH LINT: I need it. I don't have it.

ASHLEY SLIDER: You need what?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have the paperwork. I just don't have the background check.

CHAIRMAN MICHAEL GARDNER: So, we do a background investigation and that's -- you've already completed the paperwork to have that done, but it's not back yet.

ASHLEY SLIDER: Okay.

COMMISSIONER MICHAEL GARDNER: So, I'll make the motion to approve the change in manager to Ms. Slider conditional on the background check coming back with no problems.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying "aye."

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: None opposed.

Good luck with the new assignment and thank you for only being a couple months late.

(Laughter.)

**APPLICATION: JFS GROUP, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: JFS Group, LLC, doing business as Fire & Ice, John Schall, manager, holder of an all alcohol beverages as a restaurant license and entertainment license at 50 Church Street has applied to extend the hours of their common victualer license and entertainment license on Thursday, February 7, 2013 from 2:00 a.m. to 3:00 a.m. for an event.

COMMISSIONER MICHAEL GARDNER: Good evening again. If you would state and spell your last name for the record and identify yourself and then tell us about the event.

JOHN SCHALL: My name is John Schall, J-O-H-N S-C-H-A-L-L. I'm the owner of Fire & Ice at Harvard Square. The company is JFS Group and we do by business as Fire & Ice in Harvard Square.

The event is on Thursday night. We --

I'd come two and a half years ago to do -- that we're now doing dancing in the club room with Fire & Ice, and Thursday night is the Brazil night. It is a Forro Zouk Kumbia dance. And Carnival, the Brazilian celebration of Carnival, is February 7th, is that Thursday night. It's the same night that we have Brazilian night.

So, there's going to be performers that night, which we sometimes have, but there's going to be a larger number of them.

And we're going to do special Brazilian food that will be served before the evening starts. And there's -- so that's really -- it's going to be an extended version of the same thing that we do on Thursday nights in general, but because it's the biggest sort've Brazilian holiday, we're going to do sort've more performances and more entertainment, and so, we just wanted to extend the dancing part of that

night one hour.

COMMISSIONER MICHAEL GARDNER: What will be the plan with alcohol?

JOHN SCHALL: Alcohol will not be any different than any other Thursday night.

COMMISSIONER MICHAEL GARDNER: Which is what?

JOHN SCHALL: Which is our final call -- our last call is 1:30, and we stop serving by 1:40, and we turn the lights on at roughly quarter to two.

And so, I mean, I know that we could stop serving at 2:00 and have alcohol on the table until 2:30, but we don't do that.

The restaurant is empty by 2:00. And so, on this night, we will probably -- because we're going to be there until 3:00, last call be at 2:00, and then everything will be off the counter by 2:15, 2:20, so it's in line with what is

allowed because people will be there until 3:00.

POLICE COMMISSIONER ROBERT HAAS: You will be bumping up your alcohol service for a period of time, right?

JOHN SCHALL: It will -- yes. We'll go and do last call that night until quarter of two.

POLICE COMMISSIONER ROBERT HAAS: Later than you normally do?

JOHN SCHALL: And then we'll stop serving at 2:00 and we'll have everything off by 2:15. 2:20.

COMMISSIONER MICHAEL GARDNER: And when do you expect people to be out of the building?

JOHN SCHALL: People will be out of the building by 3:05 at the -- I mean --

COMMISSIONER MICHAEL GARDNER: Lights go on at 3:00, is that the idea?

JOHN SCHALL: Lights will go on at 2:50.

COMMISSIONER MICHAEL GARDNER: And have

noise complaints or issues with neighbors ever been a concern for you, either for this Thursday night event -- the general Thursday night events or any of your other operations?

JOHN SCHALL: No. I think that the only -- it's right after we started two and a half years ago, we have big -- we have a big sliding wooden door that opens out into a little tiny courtyard that we have now that's below ground, and I made the mistake of keeping that door open.

I live around the corner down Hilliard Street and when I was coming over at 1:30 that night, it was clear that we can't do that anymore, but that was two and a half years ago, and I don't think that there was a complaint. I just sort've -- it was clear there could've been a complaint.

COMMISSIONER MICHAEL GARDNER: You

monitored it yourself?

JOHN SCHALL: There could've been a complaint because it was clearly audible with the door left open. So, the door has never been left open again.

COMMISSIONER MICHAEL GARDNER: I thought you had said you had done the 3:00 a.m. closing at least once before? Have I misunderstood that?

JOHN SCHALL: Only for New Year's Eve is the only time we've ever had extended hours. We've not done it -- I'm essentially positive we have not done it except for New Year's Eve.

COMMISSIONER MICHAEL GARDNER: Do you see any particular noise or neighborhood challenges coming up for this coming Thursday?

JOHN SCHALL: You mean the 7th?

COMMISSIONER MICHAEL GARDNER: Yes.

JOHN SCHALL: I mean, they won't be different than they are every Thursday night,

which is, you know, it's a well-attended event. I mean, our -- we do anywhere between 150 to 225 people that night. And so, it's one of the reasons that we end it a little bit earlier, so we're not like pushing people out the door to get them -- by ending it, you know, ten or 15 minutes earlier than we have to, we can let people mill a little bit and sort've leave in a more sort've gradual way, which just prevents there being a whole bunch of people outside Fire & Ice all at one time, and we'll do that same thing on the 7th.

And I don't believe -- I mean, I don't believe that we've ever, you know, I think in the two and a half years we've been doing it, there have been one or two incidents in the parking lot across the street, where there's -- there were two women that didn't like the way one of them was dancing with her boyfriend or something, but

we've never -- there's never been anything  
sort've significant that has gone on after this.  
I don't expect anything will be any different on  
this night.

COMMISSIONER MICHAEL GARDNER: History of  
complaints, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: None.

POLICE COMMISSIONER ROBERT HAAS: So I  
can attest Mr. Schall working with us in terms of  
the arrangement of actually closing different  
venues down, and it has proven to be very  
successful. I know in the beginning we had a  
little bit of --

JOHN SCHALL: We did. It started really  
successful. And I mean, there was at the  
beginning we had closer to 300 people there, and  
one of the things we did is there was -- we had  
both rooms open, and we were doing a kind of  
sort've a more of -- and one of the things we do

at Fire, it's all partner dancing. It's sort've -- it's not just a club. If you come at any of the nights at Fire & Ice, there are real dancers there. They are people that are doing different types, whether it's west coast swing or salsa or Forro, but it's all partner dancing, and it's all people who know how to do these dances, right, it's not just sort've bootie dancing, whatever, you know. It's -- and so -- and there was -- at the beginning we were -- we had a second room in the backroom that we just decided not to do. It was better to have 220 people there and have it go smooth than have 300 people there and have it be just sort've not what we were interested in doing, so...

COMMISSIONER MICHAEL GARDNER: So, do you actually restrict occupancy below your authorized level for this?

JOHN SCHALL: Absolutely. Absolutely. I

mean, our total occupancy is like 3 -- I think it's 360 or 365, it's something -- we don't ever get close to that. I mean, pretty much 250 is what -- we stop taking people in after we get to 250.

COMMISSIONER MICHAEL GARDNER: Do you have the same plan for the 7th?

JOHN SCHALL: Absolutely.

COMMISSIONER MICHAEL GARDNER: Thank you. Other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No questions.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none, I'll make the motion to approve the extension of the common victualer

license and the entertainment license on Thursday, February 7, 2013 from 2:00 a.m. to 3:00 a.m. for a special Brazilian carnival event subject to the conditions and procedures that Mr. Schall has laid out for this evening.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: None opposed.

So, good luck with the event.

JOHN SCHALL: Thank you very much.

**DISCIPLINARY: FAILURE TO RENEW LICENSES**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter: All common victualer, entertainment, used car dealer, jitney and disposal licensees that failed to complete the renewal process in December for their 2013 licenses. CVs are Compass Group, Everest Dining Services and Sabastians.

Anybody here?

COMMISSIONER MICHAEL GARDNER: Anybody here representing any of those institutions?

Seeing none.

EXECUTIVE DIRECTOR ELIZABETH LINT: Used cars: Bernard Hicks and Lechmere Car Sales.

COMMISSIONER MICHAEL GARDNER: Anyone here representing those institutions?

Seeing none.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disposals: Jet A Way, United Waste Management of New England, Bellan Disposal.

COMMISSIONER MICHAEL GARDNER: Anyone here to represent those institutions?

Seeing none, Ms. Lint, what's your recommendation for a future action?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would recommend on the CVs and the used car dealers that we know are in the city that Ms. Boyer or Mr. Hedley go out and see if they're, in fact, still in business, or if they're no longer operational.

And as to the others, I would suggest that you revoke their rights to further operate in the city and we will send out notice.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Any questions or comments from any of the Commissioners?

POLICE COMMISSIONER ROBERT HAAS: None.

COMMISSIONER MICHAEL GARDNER: So I will make the motion that for those businesses doing -- who are actually operating in the city and have a physical location here, that Ms. Lint arrange for investigators to go out and do an on-site premise and to report back to her, and Ms. Lint to then report back to the Commission about their findings, and that with respect to the other organizations, as she described them, we'll revoke the licenses.

Could I just have the names of them, again?

EXECUTIVE DIRECTOR ELIZABETH LINT: Jet A Way, United Waste Management of New England and Bellan Disposal.

COMMISSIONER MICHAEL GARDNER: Those licenses be revoked and that the businesses be so notified.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and a seconded, all those in favor, signify saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So, you will make sure that that happens, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

**APPLICATION: CBL, INC.**

Application: CBL, Incorporated doing business as Casablanca Restaurant, Sari Abul-Jubien, manager, holder of an all alcoholic beverages as a restaurant license at 40 Brattle Street has applied to transfer said license to HK Food Group, LLC, Michael Scelfo, manager, at

said address. The proposed hours of operation are 8:00 a.m. to 1:00 a.m. Sunday through Wednesday and 8:00 a.m. to 2:00 a.m. Thursday through Saturday and the night before a legal holiday. Alcohol cannot be sold before 10:00 a.m. on Sundays. The proposed capacity is 191 seats inside and standing for nine.

COMMISSIONER MICHAEL GARDNER: Good evening. If all of you plan to speak or who are at the table, would you be so kind as to state and spell your last names and identify your affiliations.

KAREN SIMAO, ESQ: Good evening, Mr. Chairman. Karen Simao, McDermott Quilty & Miller. Last name S-as in Sam-I-M-A-O.

MICHAEL SCELFO: Good evening. My name's Michael Scelfo, last name is S-C-E-L-F-O.

BRIAN LESSER: Brian Lesser, last name L-E-S-S-E-R.

COMMISSIONER MICHAEL GARDNER: So tell us about the application.

KAREN SIMAO, ESQ: Mr. Chairman and members of the Board, good evening. Pleasure to see you again.

We're here on a transfer of this license at the location as read into the record.

Mr. Scelfo and Mr. Lesser come to you with a great deal of restaurant operations and are excited to become a part of your community here.

I will have Mr. Scelfo talk a little bit about the food and the overall concept in terms of some of the logistics, the day-to-day logistics.

We're looking for late night dining at this location. We would like the hours of operation to maintain consistent with what is currently listed on the license so there would be

no change to that.

We're looking at dinner service seven days a week initially. This is the initial plan would be dinner service seven days a week, beginning at 5:00 p.m., Sunday through Wednesday serving food until midnight. Meaning, you can place your last order at midnight with a 1:00 a.m. closing, everybody out at that time.

Thursday, Friday, Saturday 1:00 a.m. being the last order that can be placed consistent with the 2:00 a.m. closing.

It will be a full menu, unlike some of the other late dining options in the city that have sort've abbreviated menus. This is really a very food-focused, very food-driven concept. So that full menu would be available.

So, initially, the focus will be on dinner, as well as Sunday brunch, 10:00 to 2:00 p.m.

The next sort've level in the business plan is to add Saturday brunch, and then once we're up and operating fully operational, would be to add a lunch element to it.

I will let -- I will defer to Mr. Scelfo for the menu and overall concept and then we can get a little more into training.

MICHAEL SCELFO: Thank you. So the concept for this place is, again, like Karen said, it's a straightforward food concept.

I have been cooking in Harvard Square for the last almost five years now, at Russell House Tavern and Temple Bar right up Mass Ave.

And my food is locally focused, it's seasonal. None of that stuff's gonna change. You know, I've been telling people pretty consistently that this is a pretty humble kind of concept in the sense it's just good, clean, honest food that's gonna be kind've always

changing. We'll be printing menus daily in the restaurant. So, we feel like we're really going to be able to offer a variety to our guests and kind've showcase the best of what the local area has to offer in terms of food.

KAREN SIMAO, ESQ: Mr. Scelfo has also set out in the application -- I have a few packets here -- is also the proposed manager of record at this location as well as the 60 percent owner. Mr. Lesser represents the remaining 40 percent ownership interest. I'm just handing around two things: Clearly, Mr. Scelfo will be 21 Proof, but in the meantime, he does have his TIPS certification.

And I'm also submitting a stack of information with both Mr. Scelfo's bio, resume and several media articles printed on him as well as Mr. Lesser's background and over 20 years experience in operating restaurant locations just

for the Board's record and for the consideration.

In terms of the training that will go into this location, and the jobs that will be created at this location, we're looking at creating a total of almost 100 new jobs here at this location between managers, which Mr. Scelfo has made a very specific decision to stack heavy managers on the floor at this particular location, which is all part of the overall sort've training and theme of the restaurant, which is a lot of client customer attention as they come in.

So, the floor will be heavily staffed with managers, as well as hosts, and in addition to those people, you, of course, have your bartenders, which will be between eight and ten. Servers, there will be about 30 new servers at this location. Kitchen staff alone will be at least 20, and then, what we call support staff,

which is everything from busers, either behind the bar or at the tables, at least an additional ten.

So, you're looking at a lot of jobs being created, which is reflective of the overall flow that we believe, and buzz that will come as a product of this restaurant.

Customer service is a really big focus for Mr. Scelfo.

All servers, bar staff, as well as hosts will all be specifically TIPS trained and certified as it relates to alcohol service, which I know is always a concern for the Board.

But all staff will also be undergoing some very intense in-house training as it relates how to properly deal with customers or expectations, some of the challenges that come along in this business.

The overall staff training will always

initiate with a general initial orientation.

There are daily staff meetings with whomever is on shift that particular day, weekly meetings for broader staff issues, and then, one of the big focuses is integrating the staff into part of this establishment. So they will also be frequently focusing on continued education classes more or less every six weeks.

Those will be classes where the entire staff is required to be in the walls, all at the same time, and, you know, one week it may be refocusing on alcohol service policies, another week it may be about pairing wines with meals. It's just a way to constantly keep the conversation and communication going between staff and management and owners.

And it's, obviously, also key to Mr. Scelfo and Mr. Lesser in terms of preserving the integrity of their concept.

So, in addition to sort've that outside required TIPS training, that will be the prerequisite for their staff, they will have this in-house training.

Because of, one, their overall experience in the business, but, two, specific experience in Cambridge, Mr. Scelfo made it very clear to me that there are certain times a year where extra staff will be added on.

Certainly, the Commission is well aware of that list, things like the Regatta, graduation times, Octoberfest, MayFair, these are all times of the year where Mr. Scelfo is very aware that it's even more difficult than on an average day to maintain the integrity of your concept.

And so, there be will be extra staff on those days to ensure that not only people are being properly carded, but more importantly, monitoring who is coming in and out of the door.

This is not a barroom. It is a sit-down restaurant. It is a food-focused location. Families are, of course, welcome. But those certain times of the year where there's that influx of a lot more consumption than normal, it's obviously on his radar before the doors ever open and him having knowledge of those specific times of year, I think, goes to not only, again, his experience as a very good operator generally, but his experience here in Cambridge.

I don't know whether the Commission has any questions on the specific financial transaction, but I know that that is laid out in the application materials in terms of the purchase price, and renovations to the premises, which are obviously necessary to move forward.

The license itself has been valued between the parties at 275. As noted in Section 16 of the application materials, the

landlord is going to be putting in some money for improvements for this new tenant. This tenant will also be putting in some of their dollars in renovation as well to bring, you know, everything -- it's really a cosmetic facelift, but a facelift nonetheless, to bring the property in line with this concept.

COMMISSIONER MICHAEL GARDNER: Does the landlord have any interest in the license?

KAREN SIMAO, ESQ: The landlord will have -- the landlord certainly has an interest via percentage rent, which is disclosed in the application materials.

The landlord will also be holding a promissory note for funds that are being collected to the tenant in order to do some of these renovations.

So, to the extent that the Board deems someone holding a promissory note and a pledge of

the license as having an interest in the license, that would also be the case.

There's only an interest in the license. Obviously, if there's a default under the note, and they exercise the pledge, but in this case, there's also a separate distinction, which is that percentage rent, which is, on its face, an interest in the license.

COMMISSIONER MICHAEL GARDNER: So, one of the things that's not clear to me about is the extent to which, if your experience, sir, has mostly been in the chef area, how big a leap is it for you to actually sort've have a lot more responsibility than just what happens in the kitchen? Maybe I'm oversimplifying.

MICHAEL SCELFO: No. I think that's a very fair question. I mean, I have been in this business since I was 15, which, unfortunately, it has been 25 years, and I have done everything

from busboy to bartender, to server to front-of-the-house manager before I even transitioned and listened to some good sense and got into the cooking side of things, which is, I think, naturally where I'm happiest. So I've got a lot of experience there.

Being in the square for the last five years, I've had a lot of opportunity to work at these busy times that Karen's mentioned, and I've had the good fortune of working with some really experienced savvy owners on seeing how well these businesses can run in Harvard Square at those times, and being a part of that kinda front-line management team, I have learned quite a bit.

You know, I kinda consider myself a student of the game in the sense that I wanted to learn all those things.

So, I have been very, very diligent about learning the ebbs and flows of Harvard Square and

learning how to run these places successfully, so you can avoid any kind of circumstance that you would not want to have from this point of view in a license situation.

COMMISSIONER MICHAEL GARDNER: And can you give us some sense about the average entrée price or where in the market you see this restaurant fitting?

MICHAEL SCELFO: Plates will start anywhere from around 9 to \$10 and we'll go up and we'll probably cap out at about 25, 26.

COMMISSIONER MICHAEL GARDNER: So, it sounds like you're planning a quite labor intensive operation. Some of the things I have at least read about the business since coming into this job are that the way restaurants are successful is when they're able to control their labor cost and when they're able to control their overhead or operating costs including food.

MICHAEL SCELFO: Absolutely.

COMMISSIONER MICHAEL GARDNER: So, just tell us a little bit about how you see the financing and the cash flows working with such a large staff.

MICHAEL SCELFO: Well, good management. We have to have good managers who understand the way a business works. That's something I've always kinda prided myself on. And in managing the dollars and cents of the business, you've got to be able to put a good product out there, that it's got to be a cost effective product.

And, again, I have been very fortunate to work at very successful places. And I think, you know, respectfully and humbly, you know, that I've been a big part of what makes those places successful, which is kinda managing the costs associated with a business that puts out, you know, 65 or 70 percent of its revenue in food.

You know, I'll use Russell House as an example. It's a very high volume place in the square. You know, and I am responsible for probably the biggest -- definitively the biggest revenue center in the building that I think that we've handled with great success.

I think I've got really a great working knowledge of what it takes to manage the cost of a business.

COMMISSIONER MICHAEL GARDNER: Is 70 percent food high in the industry or is that --

MICHAEL SCELFO: It depends on the concept. I think that I'm kind've shooting for that 60 to 70 percent of a new business.

COMMISSIONER MICHAEL GARDNER: I don't see or I didn't take note of it, the entertainment license will still be the same?

KAREN SIMAO, ESQ: It will be strictly nonlive. It has not been applied for as of yet.

That will be the next phase of our application, but it would be only nonlive entertainment being sought, meaning background music. No live entertainment will be sought here.

COMMISSIONER MICHAEL GARDNER: At below conversation level?

MICHAEL SCELFO: Absolutely.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: Will you still call it the Casablanca or are you changing the name?

MICHAEL SCELFO: Changing the name.

POLICE COMMISSIONER ROBERT HAAS: What are you going to call it?

MICHAEL SCELFO: Alden & Harlow. They originally designed the building, the Brattle Square building in the late 1800s.

POLICE COMMISSIONER ROBERT HAAS: When do

you plan on opening?

MICHAEL SCELFO: We're looking at the end of summer, end of July.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

COMMISSIONER MICHAEL GARDNER: And, Mr. Lesser, could you tell us how you fit into this picture and what role, if any, you will have in the operations?

BRIAN LESSER: Certainly. Well, I'm a support structure for Michael and the ability to handle some general administrative aspects of the job. We'll handle a lot of the paperwork, the payroll of Human Resources aspect of it. Also, the accounting aspect of everything.

I also have a large background in operations as well. So, I'll be a sounding board as much as anything for Michael and to sort've lend my assistance.

COMMISSIONER MICHAEL GARDNER: For the record, could you just summarize some of your experience for us?

BRIAN LESSER: Well, I currently am the owner and operator of Storyville Minibar in Boston. I own Sweet Cheeks Barbecue in the Fenway area. I own Fine Brook Tavern in Lexington Center.

I'm in the process of owning a restaurant called Tavern Road, which will be on Congress Street in the seaport area.

And this particular venture here is an exciting piece for me because it's a very chef-driven concept.

And that's been my focus over the last few years.

COMMISSIONER MICHAEL GARDNER: Doesn't sound like you'll have a lot of time to devote to this operation.

BRIAN LESSER: I actually do have quite a bit of time. I have a support structure that carries everything from an accounting department doing the systems for support staff or management as well as IT. So, we have a whole structure that sort've works that way.

COMMISSIONER MICHAEL GARDNER: So have either of you been manager of record for a liquor license prior to now?

MICHAEL SCELFO: I have not.

BRIAN LESSER: Yes, I have.

COMMISSIONER MICHAEL GARDNER: What are some of your thoughts, Mr. Lesser, about being a successful manager of record that you want Mr. Scelfo to know?

BRIAN LESSER: We're in the hospitality business, but, however, we want to provide a safe environment for not only our staff, but for our customers as well.

So, there's certain things we have to be very diligent about, and Michael and I talked about those as well.

We both have been in the business a combination of over 40 years. I think we know the pitfalls of some places. This is a marathon for us, this is not a sprint. We're at this to be a longstanding operation.

So, with that being said, the idea is to sort've work within the framework of what we've been given. And I think that we're positioned in a place where the restaurant itself is very viable. It's in a great location. And it gives us the opportunity to provide a good product.

COMMISSIONER MICHAEL GARDNER: Anything at all in your mind sort've give an acknowledgement to or pay homage to the history of the place that you --

MICHAEL SCELFO: Yeah, absolutely. I

think the name itself actually is a nod to the history of the building and to what's come before.

I can tell you that all the artwork in the building we've given to the landlord, who, I believe, is donating it to Brattle Theater upstairs, so we can kinda preserve that under the roof, which is really important to me.

And then, I've got some other kinda plans for the food and drink menus that will kind've be subtle tips of the hat to who was there before.

I've got a lot of respect for Sari and Casablanca just as being a really kind've a luminary on the food map in Cambridge for many, many decades, and it's big shoes to fill, but I'm confident that we can go in there and do some justice to that place. It's a special place and that's why I want to be there.

COMMISSIONER MICHAEL GARDNER: Other

questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

COMMISSIONER MICHAEL GARDNER: Any members of the public who would like to be heard on this matter?

Please step forward and state and spell your name for the record.

PATRICK LEE: My name is Patrick Lee, P-A-T-R-I-C-K L-E-E. I'm part owner of Grafton Group, which is a restaurant company here in Cambridge that owns Grafton Street Pub and Grill, Temple Bar, American Bistro, Russell House Tavern and Park Restaurant and Bar.

Michael has worked with our company for quite some time now. He started as the executive chef at Temple Bar before moving on to become the opening executive chef at Russell House Tavern.

Michael has proven to be a capable leader and a very talented chef, and my expectation is

that this will be a welcomed addition to Harvard Square and the greater Cambridge community.

COMMISSIONER MICHAEL GARDNER: And in your assessment, what more does Michael need to learn in order to be successful in this job?

PATRICK LEE: I think, as Michael stated, he's been part of a good management team and the way we run our businesses is that we have everyone in the same room.

So, hopefully, if our general manager was sitting here, he could tell you quite a bit about the kitchen, and Michael being in the kitchen, can tell you quite a bit about the front of the house.

COMMISSIONER MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard, please step forward and state and spell just your last name for the record.

DENISE JILLSON: Denise Jillson,

J-I-L-L-S-O-N. I'm the Executive Director of the Harvard Square Business Association.

I'm so glad you asked about what is going on inside the building, because, you know, one of the things that we get are a lot of emails from people who are curious about stuff. Everybody wants to know what is happening to the artwork.

So, we're delighted to learn that the owner of the building will be preserving it and sending it off to the Brattle Street theater.

I would like to talk a little bit about Michael because we have been working with Michael for about five years, both at Temple Bar and Russel House Tavern, both being members of the association.

And Michael has been just an incredible -- along this path, you know, incredible partners in the community, participating in lots of events from the Taste of Cambridge to Octoberfest,

MayFair. They're the current holders of the Harvard Square Chili Pot. They won the chili tasting contest last year at Winter Carnival, and we're hoping when they move onto the new restaurant that they'll also participate.

But it's just been a wonderful partnership. He's diligent and renowned for his food, and a wonderful community partner.

So, we hope you will consider this application and approve it.

Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Any other members of the public who would like to be heard?

Seeing none.

Background checks?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Excuse me. They're in order. However, we're

owed \$20 for those background checks.

KAREN SIMAO, ESQ: We'll take care of it.

COMMISSIONER MICHAEL GARDNER: I'm sorry.

We couldn't hear you.

KAREN SIMAO, ESQ: We can take care of that.

COMMISSIONER MICHAEL GARDNER: Well, that's good in terms of the financing.

KAREN SIMAO, ESQ: I don't think that's part of the referenced promissory note.

COMMISSIONER MICHAEL GARDNER: Pleasure of the Commission?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Make a motion.

POLICE COMMISSIONER ROBERT HAAS: One other question. You mentioned TIPS, but you didn't say anything about 21 Proof training, did you?

KAREN SIMAO, ESQ: Well, I had

referenced, Mr. Commissioner, that we will be doing the 21 Proof training, obviously, as required by the City of Cambridge. But in addition to that we wanted to do the TIPS training and get that out of the way.

POLICE COMMISSIONER ROBERT HAAS: All right.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm just gonna make a motion that the application be approved as submitted along with the conditions of the TIPS and 21 Proof training.

COMMISSIONER MICHAEL GARDNER: I'll second that.

All those in favor, signify by saying "aye."

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So welcome to Cambridge in a new role.

MICHAEL SCELFO: Thank you.

CHAIRMAN MICHAEL GARDNER: And good luck  
in carrying on a pretty great tradition.

KAREN SIMAO, ESQ: Thank you very much.

**APPLICATION: HUB DONUTS, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: HUB Donuts, Incorporated, doing  
business as Dunkin Donuts. Vincent Leo, manager,  
has applied for a common victualer license to be  
exercised at 199 Alewife Brook Parkway. Said  
license, if granted, would allow food and  
non-alcoholic beverages to be sold, served and  
consumed on said premises with a seating capacity  
of 19. The proposed hours of operation are 5:00  
a.m. to 11:00 p.m. seven days per week.

We'll take the second one at the same  
time.

**APPLICATION: HUB DONUTS, INC.**

Application: HUB Donuts, Incorporated, doing business as Dunkin Donuts, Vincent Leo, manager, has applied for a common victualer license to be exercised at 517 Concord Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The proposed hours of operation are 5:00 a.m. to 11:00 p.m. seven days per week.

This basically -- these businesses are at these locations, they have been there for many, many years. There have been changes in the corporate name and the statute requires that they come in and be heard, and that had never happened, so we finally tracked you down.

NICHOLAS LEO: Yes, we're gonna clean it all up.

COMMISSIONER MICHAEL GARDNER: I was

going to ask what was there now. I guess what is there now is what you proposed --

NICHOLAS LEO: It's the same thing.

COMMISSIONER MICHAEL GARDNER: I want to ask you first to state and spell your name for the record.

NICHOLAS LEO: Okay. Nicholas Leo,  
L-E-O.

COMMISSIONER MICHAEL GARDNER: So you're Nicholas?

NICHOLAS LEO: Yes.

COMMISSIONER MICHAEL GARDNER: What is your role here?

NICHOLAS LEO: General manager.

COMMISSIONER MICHAEL GARDNER: We have Vincent Leo, is that --

NICHOLAS LEO: My father.

COMMISSIONER MICHAEL GARDNER: That's your brother?

NICHOLAS LEO: Father.

CHAIRMAN MICHAEL GARDNER: Father.

So, he's the manager of record and you're the general manager serving under him?

NICHOLAS LEO: Yes.

COMMISSIONER MICHAEL GARDNER: Tell us about -- so, what is going on now and why you're here?

NICHOLAS LEO: Originally, the 199 Alewife Brook Parkway has always been owned by HUB Donuts, Inc, and across the street we had Val's Fresh Pond Donuts, Inc.

So, HUB Donuts, Inc has been there since, I believe, 1982, 1981. Over 30 years. And Val's Fresh Pond Donuts, Inc was there probably about maybe the mid-1990s, maybe '94.

So, as part of our estate planning, we started consolidating corporations because, you know, the past couple years with all combined

insurance, basically it was kind've unnecessary to have all these different corporations, all these different filing fees, all these different tax returns. So, we merged the two of them together because basically they're across the street from each other.

So, I did that, and it came to our attention that, you know, I didn't think we needed to transfer licenses. They're both wholly owned by 100 percent by my father. It was a merger with the Secretary of State, so I thought that that was all set, but apparently it came to my attention that we needed to do the full process.

And during that process, it was also discovered that the one across the street, that's been operating for over 30 years, was still under the original name. I guess my father's partner, from like 1982, had originally just filed it with

her name and never -- they probably hadn't had the corporation set up.

But I never noticed that because it was always just saying Dunkin' Donuts, rather than HUB Donuts, Inc.

So, basically it's an effort just to clean it all up and get them all under the correct corporate names.

COMMISSIONER MICHAEL GARDNER: Is that a fair summary from your understanding, too?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Absolutely.

COMMISSIONER MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

COMMISSIONER MICHAEL GARDNER: Any members of the public who would like to be heard on this matter?

Seeing none. I'll make the motion to approve the redesignation of the licenses for both 199 Alewife Brook Parkway and 517 Concord Avenue as described in the agenda.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor signifying by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Thank you for coming in and good luck with your continued operation.

NICHOLAS LEO: Yes. Have a good night.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Policy discussion for Board of License

Commissioners will discuss the Pedicab Pilot Program and the applications received in order to select two operators to receive permits for operation.

COMMISSIONER MICHAEL GARDNER: So, Mr. Pilz, would you be so kind as to identify yourself for the record and describe your role so far and the summary of the work you've done?

COREY PILZ: Corey Pilz, P-I-L-Z, consumer information specialist for the License Commission, and I have been coordinating the Pedicab Pilot Program.

And just for background, the License Commission has received three applications for consideration for the Pedicab Pilot Program.

In the previous meeting, the Commissioners have decided to award up to two operating permits for businesses. The license -- the applications we have received are from

Pedicab International, LLC, USA Pedicab and Pirate Pedicab.

Per the procedure, we have laid out what we have done is after we processed three applications, we actually put them in front of our Pedicab Review Committee, which consisted of Elizabeth Lint from the License Commission, myself, Sue Clippinger, who is the Director of Traffic Parking and Transportation for the city, Deputy Superintendent Joe Wilson from the Traffic Unit at the Cambridge Police Department.

POLICE COMMISSIONER ROBERT HAAS: Patrol operations.

COREY PILZ: Patrol operations.

Robyn Culbertson who is the Executive Director for the Cambridge Office of Tourism and Robin Lapidus who is the Executive Director of the Central Square Business Association.

During that time, these members reviewed

the applications per the criteria, which had been established, which is the ability to meet the operation requirements as established by the License Commission, which is essentially our rules and regulations we have put in place, operation and history in any other municipalities, the impact on the City's infrastructure and transportation network, and the effects on the business and tourism communities.

I will not summarize the applications, as they have been presented to you for your review, but I will mention some things that were a crux in the Pedicab Committee for us making the recommendation, simply because, you know, at the outset, when we reviewed the applications, we received three really strong applications. All the applicants were seasoned. They were heavily involved in the business prior. They knew what

they were doing.

In terms of Pedicab International, LLC, the applicant was the owner of the Plymouth Pedicab, which he has been running for three years.

In terms of USA Pedicab, they have a very extensive operation where they established Boston Pedicab in 2005 and have been running that since.

They established Newport Pedicab in 2006, they established Washington, D.C. Pedicab in 2008, San Francisco Pedicab in 2010, Seattle Washington Pedicab in 2011, and currently they're also operating in Portland, Maine, Chicago, Illinois and Milwaukee, Wisconsin.

And, finally, we have Pirate Pedicab, who has been the owner of Pirate Pedicab operating in Newport for two years.

One of the things that the Pedicab Review Committee was concerned with was an actual

operation structure for the businesses in terms of who would be doing what.

And in one of the applications from USA Pedicab, we actually received a structure of how the company is established and in terms of how they're run.

From the other two applications, the members were just concerned which we didn't know who was doing what or how the operation was really running.

In terms of operation history in other municipalities, there was nothing glaring that was presented to the Review Committee.

Two things that did stick out is we did receive a letter of recommendation from the director of licensing in Boston for the USA Pedicab recommending them, stating that they had no high number of consumer complaints, and none the pedicabs were ever involved in a traffic

incident, which is one of the big concerns to both us and other members of the city.

We also received a letter of recommendation from the police chief for Pedicab International, LLC, the Plymouth police chief, once again, also stating that there have been no major issues and they have been a great partner to work with.

And, finally, for Pirate Pedicab, we actually received a letter of recommendation from the Commissioner of the Providence Bicycle and Pedestrian Advisory Committee, not speaking necessarily to the safety of the business, but his knowledge as to how to safely navigate city streets and bike lanes.

COMMISSIONER MICHAEL GARDNER: I'm a little confused about the Pirate. Does Pirate operate in Newport and Providence or Newport only or what --

COREY PILZ: I believe they only operate in Newport, but that was where the recommendation came from.

COMMISSIONER MICHAEL GARDNER: Okay.

COREY PILZ: The gentleman is also a publisher and editor of Greater City Province, which is probably how it came into his purview.

In terms of impact on the City's infrastructures, we believed all the applicants were on equal footing. They recognized all the City's major issues. And they really presented plans to working directly with the city to overcome many of those.

And, finally, in terms of the effects on the business and tourism communities, once again, all the applicants seemed like they would be great community partners.

We did have some concerns with advertising in terms of, number one, how the

companies have outfitted themselves for advertising, and if the advertisement would be local advertising or corporate advertising, but, once again, all the applicants have put a great emphasis on local advertising.

So, based on the Committee's evaluations, they have recommended as a whole --

COMMISSIONER MICHAEL GARDNER: Before you get there --

COREY PILZ: I can do that.

COMMISSIONER MICHAEL GARDNER: -- were there any differences with respect to issues of proposed starting and ending times, and questions of routes and locations and how that would go?

COREY PILZ: I should've mentioned that to begin with.

When Pirate Pedicab submitted their application, they submitted it for a total of five pedicab vehicles for hours of operation from

11:00 a.m. to 2:30 a.m.

Pedicab International submitted their application for 15 pedicab vehicles for an hour of operation from 11:00 a.m. to 9:00 p.m. on Monday, Wednesday and Sunday, and 11:00 a.m. to 2:00 a.m. on Thursday, Friday, and Saturday.

COMMISSIONER MICHAEL GARDNER: With no operation on Tuesday?

COREY PILZ: With no operation on Tuesday, to my knowledge, per the application.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Which one is --

POLICE COMMISSIONER ROBERT HAAS: That was Monday and Wednesday?

COREY PILZ: It looks like a coma that's why, so Monday through Wednesday.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Which one is this right here, Pedicab International?

COREY PILZ: Yes.

USA Pedicab submitted an application for 15 pedicab vehicles operating from 7:00 a.m. to 3:00 a.m. with regular operations from 10:00 a.m. to 1:00 a.m.

POLICE COMMISSIONER ROBERT HAAS: What does that mean?

COREY PILZ: Your guess is as good as mine.

COMMISSIONER MICHAEL GARDNER: Anything about routes or locations?

COREY PILZ: So, in terms of the routes, this is something we have been discussing heavily with our director of traffic, parking and transportation. She does not think we need to establish a route for the outfits.

There are certain streets which we simply do not have jurisdiction over, which we will not actually permit them to operate on. And those

would be mainly the roads that come under the DCR.

And then, once again, we have built in a special provision for special events, which has been a big concern in terms of the pedicab swarming about special events, which may affect transportation. We believe we've handled that matter because the pedicabs have to get permission from the event organizer to operate around those special events and we're going to work to better to hash out a system on our end to deal with staging, stopping, storage.

But, as of now, all of the routes that were identified by the potential applicants, none of them presented an issue in terms of where they wanted to operate. And, generally, they're surrounded around our big commercial squares, Kendall Square, Central Square, Inman, Harvard and Porter.

COMMISSIONER MICHAEL GARDNER: So when you said we wouldn't be permitting -- we wouldn't be issuing any permits for the operation on DCR or the state controlled roads, give me some sense about what those are, and does that mean they can't go on them or we couldn't control whether they're on them or not?

EXECUTIVE DIRECTOR ELIZABETH LINT: They cannot go on Memorial Drive.

COMMISSIONER MICHAEL GARDNER: Any other roads besides Memorial Drive?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Fresh Pond Parkway.

EXECUTIVE DIRECTOR ELIZABETH LINT: Fresh Pond Parkway.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Those are only -- Land Boulevard.

COMMISSIONER MICHAEL GARDNER: Land was, I think, the one I was thinking of. I would

think that Land would be someplace somebody would want to go.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think you can go on Land Boulevard.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What's the one on the back of Land, the backside of the Sonesta?

COMMISSIONER MICHAEL GARDNER: The one where they're going to do the --

EXECUTIVE DIRECTOR ELIZABETH LINT: Cambridge Parkway.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Cambridge Parkway. That's also DCR. So Cambridge Parkway, Land Boulevard, O'Brien Highway.

EXECUTIVE DIRECTOR ELIZABETH LINT: Which I can't imagine they would necessarily want to be there.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

But I can see somebody saying they want to go to the Museum of Science.

EXECUTIVE DIRECTOR ELIZABETH LINT: But Ms. Clippinger felt very strongly to suggest that they needed to be on specific routes would kind've defeat the purpose of it, and it would be very -- much too hard to monitor.

COMMISSIONER MICHAEL GARDNER: No restrictions on Mass Ave?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

ASSISTANT FIRE CHIEF GERARD MAHONEY: One of my concerns is where were these going to be --

POLICE COMMISSIONER ROBERT HAAS: Staged?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Yes, staged. And my recollection from one of the information sessions we had is they be brought in a trailer almost on a daily basis or --

POLICE COMMISSIONER ROBERT HAAS: I remember the applicant had spoken to the fact

that they're trying to find some storage facilities around the city.

COREY PILZ: We have requested that when they do file an application to actually license the vehicle itself, the pedicab itself, they will have to notify us in terms of where it's being stored because we have issues from that from a zoning end that we need to check into with certain city departments to make sure they're actually allowed to store the vehicle at that location.

COMMISSIONER MICHAEL GARDNER: So I understood it, it sounded like you were about to describe the recommendations of the Committee.

Are there any other aspects of any of the applications that either of the Commissioners have any questions about?

POLICE COMMISSIONER ROBERT HAAS: So, when you spoke to members of the Committee, I

know particularly Sue did, we had some conversations about the bike lane versus not the bike lane. What was the --

COREY PILZ: So, pending whether or not they can -- we believe they can fit in the bike lane. We have been told they can fit in the bike lane, and this is something we're gonna still have to hash out on her end as well because she's going to have to write some regulations, and, in fact, some members of your fine staff are probably going to be invited to participate in that so that we can make sure that if -- ideally we want them operating in the bike lanes.

This does raise a concern in terms of pushing the bike traffic out into the normal traffic, but --

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ms. Clippinger was very clear that generally, say, you're going down Mass Ave, the rate of

speed is so low anyway that she didn't think it would really be an impediment.

POLICE COMMISSIONER ROBERT HAAS: An impediment where? In the bike lane?

EXECUTIVE DIRECTOR ELIZABETH LINT: Or --

COMMISSIONER MICHAEL GARDNER: Or a single bike rider being blocked because there's this slower pedicab going. That's the theory you're speaking of?

EXECUTIVE DIRECTOR ELIZABETH LINT: No, but also, moving into the regular lane of traffic, if that were a necessity, that cars tend to be going about 30 miles per hour anyway because of the traffic.

POLICE COMMISSIONER ROBERT HAAS: You lost me now. Tell me again.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry.

She didn't think that any of those

scenarios were going to be a problem, either with pushing a bike out because the pedicab was a little bit slower.

POLICE COMMISSIONER ROBERT HAAS: Aren't those bicycles pretty fast?

EXECUTIVE DIRECTOR ELIZABETH LINT: Some of them.

POLICE COMMISSIONER ROBERT HAAS: I'm just afraid that they'll come up on a slow moving vehicle in the bike lane and just jot out in traffic. And that's the thing I'm worried about because they don't tend to slow down.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, I know.

COMMISSIONER MICHAEL GARDNER: Okay, any other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have none.

COREY PILZ: We do have all three

applicants here present, if you had any specific questions, just to let you all know, when the Pedicab Pilot Review Committee reviewed the applications, we reviewed the applications, that's it. We didn't reach out to the applicants to get any more information. What was submitted to the License Commission is what we reviewed.

COMMISSIONER MICHAEL GARDNER: We'll I'll ask the other two Commissioners if they're prepared to hear a brief, meaning up to five-minute presentation by any of the applicants prior to Mr. Piltz going forward.

I would be, I guess, interested in -- I think that might have some value.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would agree with that.

COMMISSIONER MICHAEL GARDNER: So do you have a -- Commissioner?

POLICE COMMISSIONER ROBERT HAAS: I

couldn't see the harm in doing that.

COMMISSIONER MICHAEL GARDNER: Do you know the basis on which application was filed first?

COREY PILZ: Yes.

COMMISSIONER MICHAEL GARDNER: So why don't I ask you to just -- we'll give people an opportunity, obviously, if somebody is not prepared and doesn't want to, that's fine, it's entirely voluntary, but if any of the applicants who are here would like to come forward to do a five-minute presentation, we'll ask Mr. Pilz to take them in the order in which the applications were received by the Commission.

COREY PILZ: I can do that.

The first application we received was from Pedicab International, LLC.

COMMISSIONER MICHAEL GARDNER: So, again, if you would be so kind as to state and spell

your name for the record, and we would ask you for your presentation.

OFFICER MARK SMITH: Sure. Michael Tubin, T-U-B-I-N.

I wasn't prepared. But is the third time I've been here, so I think you've grilled me, and we have had plenty discussions leading up to this, but, as you mentioned, I have been operating a pedicab business in Plymouth for the past -- this will be the third year coming up.

I have owned a number of businesses in the past in Faneuil Hall stores, and I'm currently a sales manager for a mortgage company now, I have been about 15, 16 loan officers working under me. And so, I have plenty of experience running operations.

And, as I mentioned in my application, and I'm sure you're aware, in a few months, it will be two years since I first made contact with

representative Tim Toomey when I first had my initial interest and I thought it would be a great idea for Cambridge for the pedicab business.

So, over the past couple years, I've met with, you know, a number of different professionals and business leaders in Cambridge, and have gotten great support.

I've gotten, you know, a dozen letters of support from some of those business leaders, the mayor, City Councilors and on hearing my presentation, letters of support, as to my proposal and I just think it's a great opportunity for Cambridge.

Even from the public, I've heard nothing but great feedback from everybody who we've spoken to about it.

I look forward to working with the city and I'll be in here myself everyday. My father

lives right over in Chelsea on Tremont Street,  
which is about 15, 20 minutes away.

So I'll be here, you know, everyday  
operating the business myself hands on, and look  
forward to any issues or any comments that come  
up to alter and move into a direction what is  
safe and beneficial for the town and for this  
Committee.

COMMISSIONER MICHAEL GARDNER: If you  
wouldn't mind just a couple follow-up questions.

MICHAEL TUBIN: Sure.

COMMISSIONER MICHAEL GARDNER: I do seem  
to remember that you felt to be successful here,  
you needed a minimum number of pedicabs to be  
available for lease by you, and I wonder if what  
you're thinking -- what your current thinking  
about that is, and also, if you have any thinking  
about for the size of Cambridge sort've what --  
how many pedicabs the market could, in fact,

absorb.

MICHAEL TUBIN: I think my initial comment to that was, I believe each of the business districts, Central, Harvard, Kendall, Inman, Porter, could each handle five, I think would be ideal, five pedicabs to base it on that.

So if you're including Porter, that could be 25 pedicabs. So I would think 20, 25 pedicabs at least initially. I would say maybe 20 at least initially to start, and from there gauge. Obviously it's a pilot program. You can kind've get an idea of how busier they are through the reporting that would be done to the Commission, and, you know, maybe from there adjust it after the pilot program commences, adjust it accordingly.

Maybe it's too many pedicabs. Maybe I'm wrong. Maybe you have to cut it down to 15 or something like that. So I think it's something

that can be gauged.

Just my initial intuition tells me, I think, 20, 25 would be a good number.

POLICE COMMISSIONER ROBERT HAAS: You don't have that many pedicabs in your inventory right now, though.

MICHAEL TUBIN: I have five now.

POLICE COMMISSIONER ROBERT HAAS: You would have to order these cabs?

MICHAEL TUBIN: Yes.

POLICE COMMISSIONER ROBERT HAAS: So you're saying that you go as many as 20 and experiment that way or...?

MICHAEL TUBIN: Yeah, if I was -- yeah, if I was -- if it was to be awarded 20 pedicabs, I would order 15 more.

POLICE COMMISSIONER ROBERT HAAS: It's a pilot program, which means at the end of the pilot program we can decide that we don't want to

go forward with this, it's not an issue any longer, right?

MICHAEL TUBIN: Right.

POLICE COMMISSIONER ROBERT HAAS: With regard to your liability insurance, how did you establish the levels of insurance for the liability purposes?

MICHAEL TUBIN: It's a standard in the industry, a million with two million aggregate.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Okay.

COREY PILZ: That's also per our regulation.

POLICE COMMISSIONER ROBERT HAAS: Right, per regulation.

MICHAEL TUBIN: I think what you're alluding to as well, you know, I think four or five pedicabs, I think to be successful as an owner, I would think, you know, a minimum of ten.

COMMISSIONER MICHAEL GARDNER: That's what I recall your testimony being before.

MICHAEL TUBIN: Right.

COMMISSIONER MICHAEL GARDNER: You still have that view?

MICHAEL TUBIN: Yeah.

COMMISSIONER MICHAEL GARDNER: Okay. Good. Anything else you would like to add?

MICHAEL TUBIN: I think that's it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: May I?

MICHAEL TUBIN: Sure.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What are you gonna do with respect to Plymouth? Are you gonna keep operating there?

MICHAEL TUBIN: I'm still not sure. Plymouth is so seasonal. It's Memorial Day to Labor Day. It's basically three months. I thought I would just gauge and see how this goes,

and then if things go well and I can do both,  
I'll do both. If not, I just won't even bother.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I  
noticed you submitted a copy of a business  
certificate listing the address of the business  
at One Remington. There's a letter in here from  
the Hotel Veritas general manager, which the  
address is the Hotel Veritas is One Remington.

MICHAEL TUBIN: Yeah. That's where I  
have an agreement to store the pedicabs in their  
underground parking. It's a valet underground  
garage, it's two levels and it's barely ever used  
so the bottom floor is literally empty, so I met  
with the manager and we've worked out a deal to  
allow me to use whatever I need downstairs to  
store, which, obviously, it's an ideal location  
right between Harvard and Central.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
They will be secure there?

MICHAEL TUBIN: It's a key pad entrance and there's cameras all over the place there.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Okay.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

MICHAEL TUBIN: Thank you. Appreciate it.

COREY PILZ: The next applicant is USA Pedicab.

COMMISSIONER MICHAEL GARDNER: Good evening. Again, if you could state and spell your name for the record and identify your role?

DENNIS MORRIS: Dennis Morris,  
M-O-R-R-I-S. I'm a controller for Boston Pedicab or USA Pedicab, I should say. My son Ben founded Boston Pedicab in 2005. I've been an advisor from day one original investor, gave him the money basically to start the business. He was

very proactive. I kinda like taught him by my business background. I have owned businesses my whole life.

So, he contacted the City of Boston. It took us two years of going in front of City Council saying we want to be regulated, we want to deal with the city in the proper manner.

He actually wrote most of the ordinance for the City of Boston. We actually wrote most of the ordinance for the City of Newport, Rhode Island. Our -- we've -- that's all we do is pedicab business, that's all he has done. We have an advertising company, we call it Pedicab Outdoor, which is a national company. We sell advertising basically throughout the whole United States.

We've safety programs that we've started from day one. There's background checks. Of course, the City of Boston requires that.

We run everybody through a safety program. Like I said, we don't hire anybody under 21. And we have full-time mechanics. We have our own warehouse in Boston, it's about 2000 square feet right in the South End.

I assume we would come over here and try to get our warehouse location here because just even going across the bridge would be kind've risky.

We have done major events all over the country. We did the Giants World Series. We have done -- our general manager, who would have been here, was at the presidential inauguration with a bunch of our managers from around the country. He was down in DC.

They're a little disappointed because this was half the amount or a third of the amount because we did the last presidential inauguration.

COMMISSIONER MICHAEL GARDNER: You mean you provided --

DENNIS MORRIS: We have 20 pedicabs there and then we bring in other pedicabs and we -- basically, we help people get around the City of DC.

We're used to doing big crowds. We're used to busy streets because of Boston. 62 home Boston Red Sox games, which is our kinda claim to fame, kinda like the Duck Tours, a lot of people depend on us to get in and out of Fenway.

We have a very close relationship with hackney in the City of Boston. I think you can see by the letter that Mark Cohen wrote.

And the only other thing I would say is because of our experience, I don't know how many bikes is the right number. We've had a lot of internal conversation. I personally think it was two companies, maybe 20 bikes, eight to ten per

company. I think going a lot above that may be just overdoing it to start off.

And as far as the map and the routes, Corey and I discussed this a little bit. We feel when we look at Cambridge that, you know, there's the major squares, there's A, B, C and you just figure ways to move people in an organized manner from one point to another. And that's kind've like what we do in all our locations.

People instead of maybe driving home, maybe they take a pedicab after coming out of a pub or bar, or if they want to go a short distance. Or if they want to go to the technology area over to this area. And you got to work hard at it and learn the customer base. That's pretty much our background.

COMMISSIONER MICHAEL GARDNER: The business structure is that you're the controller and your son is the president?

DENNIS MORRIS: Owner.

COMMISSIONER MICHAEL GARDNER: Is that both for Boston and then all these other locations, or are the other locations franchised or how does that work?

DENNIS MORRIS: It's all the same. USA Pedicab owns all the locations. So, he's the majority owner; our general manager is a minority owner.

COMMISSIONER MICHAEL GARDNER: How are you able to provide high quality and consistent service across all those diverse geographic locations?

DENNIS MORRIS: Well, we travel to all our locations. We have managers at every locations. We have mechanics at every locations -- every location, I should say.

We have annual meetings. Like next month we bring in all our locations, we spend a whole

week just going over training manuals, how we operate. And I come from a franchise background, so our approach is that everything should be run the same at every location, everything should be organized, you know, how we open, close. Everything we do, we try to do, you know, in a pretty organized way.

COMMISSIONER MICHAEL GARDNER: But the other locations are not franchises?

DENNIS MORRIS: No, not at all.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: So, in terms of recruiting and maintaining or at least retaining operators, how does that work?

DENNIS MORRIS: A lot of it's word-of-mouth. Once you get a base of drivers, you know, we do a lot on like the basic Craig's List. Stuff like that.

A lot of our employees are college grads, they're just getting out of college. I think the average driver would be 21 to 28, and then they kind've like go into whatever the field they want to do. We have musicians, we have schoolteachers, you know, where they work a year or two or have two jobs and this. You know, do this as a side or summer job.

POLICE COMMISSIONER ROBERT HAAS: So it's a typical retention rate for a driver?

DENNIS MORRIS: Probably two or three years. Three or four years maybe.

POLICE COMMISSIONER ROBERT HAAS: Two years.

DENNIS MORRIS: There's turnover. So that's why you have to do so much training.

And usually with the bikes, you don't hire one person per one bike. So, if you had ten bikes, you may have to have as many as 25, 30

drivers, so they can rest, they can relax and you can bring in other people and do it that way.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

They're only paid -- it's a pay as you please.

DENNIS MORRIS: Tips only. Tips only.

And we enforce that very strongly because we feel that business model has worked.

I think in Boston, we have to do it that way, but we do it in every location. We don't have to do it in other locations.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

What do you mean by you enforce it?

DENNIS MORRIS: Well, we -- when in Boston you have to do it that way, but we tell our drivers that we do not want you to charge fees or rates.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I

see.

DENNIS MORRIS: That's what I mean. And we feel like the tips only has been a very successful thing, and sometimes you're gonna get a nice tip and sometimes you won't get a tip at all, whatever, you just gotta put a smile on your face and keep driving.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Are the drivers obligated to give the company a percentage of their tips?

DENNIS MORRIS: They pay a shift rate. It used to be a percent, and we did away with that about three years ago.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And what is the -- you talk about keeping things standard. Is that shift rate standard throughout all your locations or differ in each city?

DENNIS MORRIS: It differs each city. It actually differs each day, each event --

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Really?

DENNIS MORRIS: And by the -- yeah. It really does. Weekends obviously, Thursday, Friday, Saturday, you know, you get a higher rate.

Right now during the winter, I mean, rates are very, very low. And then as the spring hits, they would go up. I think that's pretty much industry norm.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What would you envision a rate schedule for Cambridge in this pilot program? I'm not going to hold you to it.

DENNIS MORRIS: It would be hard to say, but I would think it would be anywhere between \$25 to \$50 a shift.

ASSISTANT FIRE CHIEF GERARD MAHONEY: A shift would be?

DENNIS MORRIS: That shift could be a

double shift for the \$50. It could be you could come in at 12 and work to midnight.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

They have to give you \$50 and they keep the rest?

DENNIS MORRIS: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay.

DENNIS MORRIS: Then you're not worrying about -- and then we drop that. It's not etched in stone. If it's raining, we would say if it's \$25 and it's raining and pouring, say, okay, we'll drop the shift rate to \$15 versus \$25.

Most of the people work for us historically, and that's why it's gotten so big in Boston, they make a lot of money. They do pretty well.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Let me ask a question relative to that: How is the documentation of their wages or their earnings?

For example, if you work in a -- if you're a waitress, your employer has to account for your tips on your earning statement at the end of the year, is that --

DENNIS MORRIS: We have them fill out W-4s and we run it a like a taxicab model, and we have full-time labor attorneys that basically helped us structure our organization. So we just, you know...

ASSISTANT FIRE CHIEF GERARD MAHONEY: So, what I'm saying is, at the end of the year, if I worked for you, at the end of the year, would you give me a 1099 or a W-2 statement that said I earned X dollars even though it was tips?

DENNIS MORRIS: If we paid you, we would give you a 1099. We do give out 1099s. Lots of them for guys who work special events and advertising campaigns.

If you just drove for us, we wouldn't.

It would be the responsibility of the driver.

But we highly -- we tell them just, like I think a restaurant owner would tell a bartender, you know, you need to report your earnings, you know. That's the way it should be.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

DENNIS MORRIS: Thank you.

COREY PILZ: For the record, Mr. Chairman, there are two companies that operate in the City of Boston.

COMMISSIONER MICHAEL GARDNER: City of Boston?

COREY PILZ: Yes. Our last applicant was Pirate Pedicab, LLC.

COMMISSIONER MICHAEL GARDNER: Good evening.

DAVID CASS: Good evening.

COMMISSIONER MICHAEL GARDNER: State and spell your name for the record.

DAVID CASS: David Cass, C-A-S-S. I wasn't prepared to present, but I'll give it a go.

So, first a little bit about my experience. I was the actually the very first driver hired by Newport Pedicab in Newport in 2006, and I have been driving a pedicab in Newport for seven years, three years as just a driver for Newport Pedicab and then two years as their branch manager. And then I went on to open up my own business, Pirate Pedicab, a couple years ago. This will be my third season. So I know the business very well.

Many of the -- many of the ways that I operate very similar to what Boston Pedicab would do, and I actually created a lot of the ways that

we manage and schedule shifts for drivers.

And I think that one of the advantages of having myself being one of the companies is I plan on moving up here. I'm also a teacher, high school teacher, so I have been doing that for five years, worked with the Adjudicated Youth before that. I know very well how to discipline riders, if need be.

And I will be moving up here in the summer while also maintaining my location in Newport.

And my plan is to be on the pedicab riding, getting to know business owners, city officials and working closely with them to make sure that the business is successful.

Other things, in terms of safety, I have a very extensive training program, so all the drivers go through that, they get background checks, they go through extensive interviews.

I think last year I interviewed, I don't even know, probably like 40 people. And after they get background checks, they have a two-hour on-the-road training, as well as going over the entire safety manual, learning about the ordinances, making sure they understand bike rules and safety and how to ride a pedicab, because it's actually very different than riding a regular bicycle, believe it or not.

COMMISSIONER MICHAEL GARDNER: Very briefly, how is it different besides you've got to pump harder, I suppose?

DAVID CASS: Yeah. So, in a normal bicycle, you kinda lean like into your turns. You don't really do that on a tricycle. So, wherever you point the wheel, that's where you're going to go. It's kinda hard to explain without actually being --

COMMISSIONER MICHAEL GARDNER: I get that

point.

DAVID CASS: I always tell my drivers sometimes they'll get on and they start driving, and they then will hit a little bump and the whole thing like shakes and they're all over the place.

So, like I tell them, sit up straight and pull back on the handlebars a little bit. You've got to stay stiff. Also, you have to be very aware that you're wider than you appear because from this way, it looks like a regular bike, but you got about 50 inches behind you, so you have to be aware of the cars around you, take wider turns, all of that.

COMMISSIONER MICHAEL GARDNER: Okay.  
What is your plan for storage?

DAVID CASS: Currently, I don't have a location. I was waiting to see if I was awarded the pilot, but when I started the business, I was

in a storage container, just like you rent a storage container, drop it in a parking spot. The business is really easy. You don't even need necessarily power, believe it or not. That's how I operated the first year, just with batteries and now I'm in a garage location.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

COMMISSIONER MICHAEL GARDNER: Okay. Anything else you want to add?

DAVID CASS: No, that's it.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

We appreciate all of you having this spontaneous opportunity.

Is there anything more you want to add, Mr. Pilz?

COREY PILZ: If you want, I can just end with the Committee's recommendations.

COMMISSIONER MICHAEL GARDNER: Go ahead.

COREY PILZ: Based on review of the applications and, once again, just to keep in mind these are mere recommendations, the final decision is up to you all, the Pedicab Pilot Review Committee suggested capping the number of vehicles to eight to ten per company. So, they figured a total of 20 was a good mix between the company would be good to see how the two interact on the city streets.

Also, based upon review of the applications, the Committee came to the consensus that believe that both USA Pedicab and Pedicab International, LLC met the qualifications the best.

COMMISSIONER MICHAEL GARDNER: Was there any discussion about the advantages and

disadvantages of doing two -- I think when we published this, we said up to two with the intent that we were reserving for ourselves the right to do just one, if the Committee talked about that at all?

COREY PILZ: They felt if we were actually going to go through with allowing pedicabs after the pilot program, it's best that we figure out how the two interact before versus us just opening it up to fair game at the conclusion of the pilot program.

COMMISSIONER MICHAEL GARDNER: Okay. Can you -- were there written recommendations?

COREY PILZ: For each of the -- yes. I'll go through by applicant in terms of --

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

COMMISSIONER MICHAEL GARDNER: From the Committee?

COREY PILZ: No.

COMMISSIONER MICHAEL GARDNER: And if you can summarize the reasons that the two that you're recommending the Committee felt were stronger.

COREY PILZ: Generally, they felt they were stronger on the ability to meet the operational requirements established by the Commission. In terms of -- they felt those companies were the best in setting up businesses in the city, and how they ran the businesses in the past.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: That was the only criteria that --

COREY PILZ: They felt they really met all the other criteria.

POLICE COMMISSIONER ROBERT HAAS: All three applicants?

COREY PILZ: All three applicants met the criteria across the Board. You know, the Committee was struck with USA Pedicabs experience and really operating a pedicab business in multiple different jurisdictions and different states all throughout the country to the point where they have a plan on how to implement a franchise, for lack of a better word, into a city.

We felt they really understood their business structure and how they operated, and if that, you know, if the city did have any issues, they would be able to address it.

And they felt the same for Pedicab International, LLC in terms of how he has worked so closely with the city from now until when he first came to see us and also how he's operated in Plymouth for a number of years, and was the first to really start that and get that going.

COMMISSIONER MICHAEL GARDNER: It's fair to summarize Pirate as having the least amount of experience as an independent separate concern?

COREY PILZ: As an owner, once again, we felt that Pirate Pedicab offered a rich side of experience in terms he was actually an operator and manager and then an owner, but we were concerned with his experience in terms of ownership as compared to the other two applicants.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

COMMISSIONER MICHAEL GARDNER: So in terms of going forward, I think we have two possibilities: One is to take action this evening. We do have also a decision hearing

scheduled for January the 30th at 9:00 a.m., which is scheduled to hear at least one other issue that comes from our earlier meeting on January the 8th, I believe.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Right.

COMMISSIONER MICHAEL GARDNER: That was scheduled at a time I think when I regret to remember, sir, whether you were here on January the 8th or not.

EXECUTIVE DIRECTOR ELIZABETH LINT: He was not.

COMMISSIONER MICHAEL GARDNER: I didn't think so. So, if we move this to the decision hearing to give us a chance to review the applications a little more carefully and consider this, it would require your presence as well chief, and I think this was a date, January 30th at 9:00 a.m. which was picked that you were

available for as well as the chief.

So, I think you know, in general, I would listen to the preferences of my fellow Commissioners, but I do personally think this is an important enough decision for us that I don't think an eight-day delay is disadvantageous particularly to the process and would make me feel a little more comfortable in terms of being able to read or re-read the applications, both with the knowledge that we have just learned this evening of the recommendations of the Committee also the presentations.

So I will ask the pleasure of the Commission.

POLICE COMMISSIONER ROBERT HAAS:

Mr. Chair, I haven't had a chance to read through the applications. I just received them tonight. So, I prefer to have an opportunity after listening to Corey's presentations to read

through the applications before I render a decision.

COMMISSIONER MICHAEL GARDNER: Well, then, I'll make the motion that the matter be referred to the decision hearing which will take place at 9:00 a.m. on January 30th in this room. At that time as is our general tradition, we would not anticipate taking any additional testimony, but would simply go forward and make a decision.

It's an open meeting, members of the public are certainly invited to attend. But we would be making written notification in any event. That would be the motion I would make.

POLICE COMMISSIONER ROBERT HAAS: Can you come on the 30th, Deputy?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Yes, sir.

POLICE COMMISSIONER ROBERT HAAS: I'm

sorry, Chief.

COMMISSIONER MICHAEL GARDNER: It's just a lot easier to call them all chiefs in the Fire Department.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Right. It's tradition.

COMMISSIONER MICHAEL GARDNER: So the motion -- has the motion been seconded? I don't think it has.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

COMMISSIONER MICHAEL GARDNER: The motion's been made and seconded. All those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So motion carries. We'll consider this matter on the 30th.

For those of you who stayed this evening and made the presentations, I'm sorry we're not -- we don't feel able to give you an instant answer right now, but we do regard this as an important and weighting matter and want to consider it.

So, again, thank you for your attention this evening. I would say even though it's almost 8:00, that's early for us in recent months. So you didn't have to stay too long.

Any other business, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do not.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Motion to adjourn.

COMMISSIONER MICHAEL GARDNER: Always in order.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Not  
subject to debate.

COMMISSIONER MICHAEL GARDNER: Motion  
adjourn having been made and seconded, all those  
in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed. So we'll end the meeting  
at approximately 7:55.

## CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and  
for the Commonwealth of Massachusetts, do hereby  
certify:

That the hearing herein before set forth  
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 25th day of January 2013.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public  
My Commission expires:  
February 2, 2017

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